

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EXXON MOBIL CORPORATION,

Plaintiff,

-against-

ERIC TRADD SCHNEIDERMAN, Attorney General of
New York, in his official capacity, and MAURA
TRACY HEALEY, Attorney General of Massachusetts,
in her official capacity,

Defendants.

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: No. 17-CV-2301 (VEC) (SN)
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: ECF Case
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: **NOTICE OF MOTION**
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PLEASE TAKE NOTICE that upon the accompanying memorandum of law, the Declaration of Leslie B. Dubeck, dated May 19, 2017, and the exhibits attached thereto, and all prior pleadings and proceedings herein, defendant Eric T. Schneiderman, in his official capacity as Attorney General of the State of New York, by his undersigned attorneys, will move this Court, before the Honorable Valerie E. Caproni, United States District Judge for the Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, at a date and time to be designated by the Court, for an order dismissing the First Amended Complaint of plaintiff ExxonMobil Corp. under Federal Rule of Civil Procedure 12(b)(1) for the failure to allege a ripe controversy; dismissing the action under the abstention doctrine announced in *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976); and granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's order of April 24, 2017, plaintiff's opposition, if any, should be filed and served on defendant on or before June 16, 2017, and that defendant Attorney General Schneiderman's reply papers should be filed and served on plaintiff on or before June 30, 2017.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Individual Rules of Practice, defendant Attorney General Healey as the moving party shall be responsible for furnishing to chambers courtesy copies of all papers related to the motion.

Dated: New York, New York
May 19, 2017

Respectfully submitted,

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

By:

/s/ Leslie B. Dubeck

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